

HOUSE AMENDMENT NO. ____

TO

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Offered By

AMEND House Amendment No. ____ to House Committee Substitute for Senate Bill No. 0636, Page 2, Lines 5-38, by deleting all of said Lines and inserting in lieu thereof the following:

“paid as if the funds were paid under the county’s special road and bridge levy.

67.1421. 1. Upon receipt of a proper petition filed with its municipal clerk, the governing body of the municipality in which the proposed district is located shall hold a public hearing in accordance with section 67.1431 and may adopt an ordinance to establish the proposed district.

2. A petition is proper if, based on the tax records of the county clerk, or the collector of revenue if the district is located in a city not within a county, as of the time of filing the petition with the municipal clerk, it meets the following requirements:

(1) It has been signed by property owners collectively owning more than fifty percent by assessed value of the real property within the boundaries of the proposed district;

(2) It has been signed by more than fifty percent per capita of all owners of real property within the boundaries of the proposed district; and

(3) It contains the following information:

(a) The legal description of the proposed district, including a map illustrating the district boundaries;

(b) The name of the proposed district;

(c) A notice that the signatures of the signers may not be withdrawn later than seven days after the petition is filed with the municipal clerk;

(d) A five-year plan stating a description of the purposes of the proposed district, the services it will provide, the improvements it will make and an estimate of costs of these services and improvements to be incurred;

(e) A statement as to whether the district will be a political subdivision or a not-for-profit corporation and if it is to be a not-for-profit corporation, the name of the not-for-profit corporation;

- (f) If the district is to be a political subdivision, a statement as to whether the district will be governed by a board elected by the district or whether the board will be appointed by the municipality, and, if the board is to be elected by the district, the names and terms of the initial board may be stated;
- (g) If the district is to be a political subdivision, the number of directors to serve on the board;
- (h) The total assessed value of all real property within the proposed district;
- (i) A statement as to whether the petitioners are seeking a determination that the proposed district, or any legally described portion thereof, is a blighted area;
- (j) The proposed length of time for the existence of the district;
- (k) The maximum rates of real property taxes, and, business license taxes in the county seat of a county of the first classification without a charter form of government containing a population of at least two hundred thousand, that may be submitted to the qualified voters for approval;
- (l) The maximum rates of special assessments and respective methods of assessment that may be proposed by petition;
- (m) The limitations, if any, on the borrowing capacity of the district;
- (n) The limitations, if any, on the revenue generation of the district;
- (o) Other limitations, if any, on the powers of the district;
- (p) A request that the district be established; and
- (q) Any other items the petitioners deem appropriate; and

(4) The signature block for each real property owner signing the petition shall be in substantially the following form and contain the following information: Name of owner:
..... Owner's telephone number and mailing address: If signer is different from owner: Name of signer: State basis of legal authority to sign: Signer's telephone number and mailing address: If the owner is an individual, state if owner is single or married:
..... If owner is not an individual, state what type of entity: Map and parcel number and assessed value of each tract of real property within the proposed district owned: By executing this petition, the undersigned represents and warrants that he or she is authorized to execute this petition on behalf of the property owner named immediately above.
..... Signature of person signing for owner Date STATE OF MISSOURI)

) ss. COUNTY OF)

Before me personally appeared, to me personally known to be the individual described in and who executed the foregoing instrument.

1 WITNESS my hand and official seal this day of (month), (year).

2 Notary Public My Commission Expires:

3 **(5) Alternatively, the governing body of any municipality or county may file a petition to**
4 **initiate the process to establish a district containing the information required in**
5 **67.1421.2(3); provided that the only funding methods for the services and improvements**
6 **will be a sales tax or real property tax .**

7 3. Upon receipt of a petition the municipal clerk shall, within a reasonable time not to exceed
8 ninety days after receipt of the petition, review and determine whether the petition substantially
9 complies with the requirements of subsection 2 of this section. In the event the municipal clerk
10 receives a petition which does not meet the requirements of subsection 2 of this section, the
11 municipal clerk shall, within a reasonable time, return the petition to the submitting party by hand
12 delivery, first class mail, postage prepaid or other efficient means of return and shall specify
13 which requirements have not been met.

14 4. After the close of the public hearing required pursuant to subsection 1 of this section, the
15 governing body of the municipality may adopt an ordinance approving the petition and
16 establishing a district as set forth in the petition and may determine, if requested in the petition,
17 whether the district, or any legally described portion thereof, constitutes a blighted area. **If the**
18 **petition was filed by the governing body of a municipality, after the close of the public**
19 **hearing required pursuant to subsection 1 of this section, the petition may be approved by**
20 **the governing body and an election shall be called pursuant to Section 67.1422.**

21 5. Amendments to a petition may be made which do not change the proposed boundaries of the
22 proposed district if an amended petition meeting the requirements of subsection 2 of this section is
23 filed with the municipal clerk at the following times and the following requirements have been
24 met:

25 (1) At any time prior to the close of the public hearing required pursuant to subsection 1 of this
26 section; provided that, notice of the contents of the amended petition is given at the public
27 hearing;

28 (2) At any time after the public hearing and prior to the adoption of an ordinance establishing the
29 proposed district; provided that, notice of the amendments to the petition is given by publishing
30 the notice in a newspaper of general circulation within the municipality and by sending the notice
31 via registered certified United States mail with a return receipt attached to the address of record of
32 each owner of record of real property within the boundaries of the proposed district per the tax
33 records of the county clerk, or the collector of revenue if the district is located in a city not within
34 a county. Such notice shall be published and mailed not less than ten days prior to the adoption of
35 the ordinance establishing the district;

36 (3) At any time after the adoption of any ordinance establishing the district a public hearing on the
37 amended petition is held and notice of the public hearing is given in the manner provided in
38 section 67.1431 and the governing body of the municipality in which the district is located adopts
39 an ordinance approving the amended petition after the public hearing is held.

6. Upon the creation of a district, the municipal clerk shall report in writing the creation of such district to the Missouri department of economic development.

67.1422. 1. Notwithstanding Sections 67.1531, 67.1545 and 67.1551, if the petition was filed pursuant to subsection 2(5) of section 67.1421, by a governing body of any municipality, the governing body may adopt an ordinance approving the petition and submit a ballot to the qualified voters of the district; the question shall be in substantially the following form:

Shall the community improvement district, to be known as the “.....Community Improvement District” approved by the(insert governing body) be established for the purpose of (here summarize the proposed improvements and services) and be authorized to impose a community improvement district-wide sales and use tax at the maximum rate of(insert amount) for a period of(insert number) years from the date on which such tax is first imposed for the purpose of providing revenue for(insert general description of purpose)?

YES NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO"; or

Shall the community improvement district, to be known as the “.....Community Improvement District” approved by the (insert governing body) be established for the purpose of (here summarize the proposed improvements and services) and be authorized to impose a real property tax upon (all real property) within the district at a rate of not more than(insert amount) dollars per hundred dollars assessed valuation for a period of(insert number) years from the date on which such tax is first imposed for the purpose of providing revenue for(insert general description of purpose) in the district?

YES NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

2. Within ten days after the qualified voters have approved the imposition of the sales and use tax, the district shall, in accordance with section 32.087, notify the director of the department of revenue. The sales and use tax authorized by this section shall become effective on the first day of the second calendar quarter after the director of the department of revenue receives notice of the adoption of such tax.

3. The director of the department of revenue shall collect any tax adopted pursuant to this section pursuant to section 32.087.

4. In each district in which a sales and use tax is imposed pursuant to this section, every retailer shall add such additional tax imposed by the district to such retailer's sale price,

1 and when so added such tax shall constitute a part of the purchase price, shall be a debt of
2 the purchaser to the retailer until paid and shall be recoverable at law in the same manner
3 as the purchase price.

4 5. In order to allow retailers to collect and report the sales and use tax authorized by this
5 section as well as all other sales and use taxes required by law in the simplest and most
6 efficient manner possible, a district may establish appropriate brackets to be used in the
7 district imposing a tax pursuant to this section in lieu of the brackets provided in section
8 144.285.

9 6. The penalties provided in sections 144.010 to 144.525 shall apply to violations of this
10 section.

11 7. All revenue received by the district from a sales and use tax imposed pursuant to this
12 section which is designated for a specific purpose shall be deposited into a special trust fund
13 and expended solely for such purpose. Upon the expiration of any sales and use tax adopted
14 pursuant to this section, all funds remaining in the special trust fund shall continue to be
15 used solely for the specific purpose designated in the resolution adopted by the qualified
16 voters. Any funds in such special trust fund which are not needed for current expenditures
17 may be invested by the board of directors pursuant to applicable laws relating to the
18 investment of other district funds.

19 8. A district may by resolution repeal or lower the rate of any sales and use tax imposed
20 pursuant to this section before the expiration date of such sales and use tax unless the repeal
21 or lower rate of such sales and use tax will impair the district's ability to repay any
22 liabilities the district has incurred, moneys the district has borrowed or obligation the
23 district has issued to finance any improvements or services rendered for the district.

24 9. A district levying a real property tax pursuant to this section may repeal or amend such
25 real property tax or lower the tax rate of such tax if such repeal, amendment or lower rate
26 will not impair the district's ability to repay any liabilities which it has incurred, money
27 which it has borrowed or obligations that it has issued to finance any improvements or
28 services rendered within the district.

29 10. An election conducted under this section may be conducted in accordance with the
30 provisions of chapter 115, or by mail-in ballot.

31 67.1561. No lawsuit to set aside a district established, or a special assessment or a tax
32 levied under sections 67.1401 to 67.1571 or to otherwise question the validity of the proceedings
33 related thereto shall be brought after the expiration of ninety days from the effective date of the
34 ordinance establishing such district in question or the election establishing such district in
35 question or the effective date of the resolution levying such special assessment or tax in question
36 or the effective date of a merger of two districts under section 67.1485.”; and

37
38 Further amend said bill by amending the title, enacting clause, and intersectional references
39 accordingly.